

DETAILED ACTION***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The above claim does not fairly further limit independent apparatus claim 1 since this claim recites only limitations dealing with the manner or method of use of the claimed apparatus, and it has been well settled that the manner or method of use of an apparatus cannot be relied upon to fairly further distinguish claims to the apparatus itself. See MPEP 2144.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 10, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0146659 A1 to Muller-Ziller et al (Muller-Ziller et al). Muller-Ziller et al teaches a horizontal atmospheric furnace (figure 1 for example) which is employed for treating metallic workpieces (20) including a cylindrical furnace chamber (10) a furnace door (15) within a door case (17) which forms a lock and is closable in a gas tight manner, where the door is displaced vertically, the door casing (17) is in a gas-tight connection to a “counter module” (60), the

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furnace chamber includes gas inlets, ventilators, heaters (14), and transport means (40), thereby showing all aspects of the above claims.

Claims 1-4, 6-11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,399,875 to Ipsen (Ipsen). Ipsen teaches a horizontal atmospheric furnace (figure 1 for example) which can be employed for treating metallic workpieces including a furnace chamber (11) a furnace door (46) within a door case (17) which forms a lock and is closable in a gas tight manner, where the door is displaced vertically, the door casing (17) is in a gas-tight connection to a "counter module" (20), the furnace chamber includes gas inlets, ventilators (35, 36), heaters (18), and transport means (27), thereby showing all aspects of the above claims.

Allowable Subject Matter

Claims 5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Scott Kastler/
Primary Examiner, Art Unit 1793

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